F 314
.U57

[12]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

INFORMATION OF THE PROCEEDING OF CERTAIN PERSONS

WHO

TOOK POSSESSION OF AMELIA ISLAND AND OF GALVEZTON,

DURING

THE SUMMER OF THE PRESENT YEAR, AND MADE ESTABLISHMENTS THERE.

DECEMBER 15, 1817.

Read, and ordered to lie upon the table.

U. S. A.

WASHINGTON:

PRINTED BY E. DE KRAFFT.

1817.

F314
.U57

To the House of Representatives.

IN compliance with the resolution of the House of Representatives, of the 8th of this month, I transmit, for the information of the House, a report from the Secretary of State, with the documents referred to in it, containing all the information in the possession of the executive, which it is proper to disclose, relative to certain persons who lately took possession of Amelia Island, and Galvezton.

JAMES MONROE.

Washington, December 15, 1817.

Department of State, December 13, 1817.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 8th instant, requesting the President to lay before the House any information he may possess, and think proper to communicate, relative to the proceedings of certain persons who took possession of Amelia Island, at the mouth of St. Mary's river, in the summer of the present year, and made an establishment there; and relative to a similar establishment, previously made at Galvezton, has the honor to submit to the President the accompanying papers, containing the information received at the respective Departments of State, the Treasury, and the Navy, upon the subjects embraced by the resolution.

JOHN QUINCY ADAMS.

Papers communicated with the report from the Department of State, of December 13, 1817, to the President.

Extracts of a letter from Natchitoches, Louisiana, to a gentleman in the city of Washington, communicated to the Department of State, dated February 4, 1817.

Extracts of two letters from Robert M Harrison, esquire, consul at St. Thomas, to the Secretary of State, dated April 20th, and May 30th, 1817.

The Secretary of the Treasury to Secretary of State, dated November 21, 1817, communicating

Extracts of a letter to him from Beverly Chew, esquire, collector of the customs, New Orleans, dated August 1, 1817.

Letter—Same to same, dated August 30, 1817.

Same to same, dated October 17, 1817.

Affidavit of Beverly Chew, dated 6th October, 1817, in relation to libels, before the district court of the United States, for Louisiana, Vs. Cargoes of Juana, Eliza, Carmelite, and Diana.

The same, Vs. Ninety boxes of sugar.

The same, Vs. Sundry goods, &c. &c. part of the schooner Mount Vernon's cargo

Petition of Beverly Chew to judge Hall.

Additional testimony, in sundry cases, pending in the United States' district court, Louisiana, Vs. Sundry vessels and cargoes from Galveston.

Extract of a letter from Mr. M'Intosh to Mr. Crawford, Secretary of the Treasury, dated October 30, 1817.

Extract of a letter from Mr. Clark, collector of the customs, at St. Mary's, dated November 1, 1817.

Extract of a letter from lieutenant commandant B. V. Hoffman, to captain Charles Morris, dated January 18, 1817.

Extract of a letter from captain Morris to the Secretary of the Navy, dated frigate Congress, off the Balize, March 4, 1817.

Captain Daniel T. Patterson, to Secretary Navy, dated New Orleans, August 4, 1817, communicating

Memorial of merchants of New Orleans, of 28th July, 1817.

Protest of William B. Cox, late mate of the American brig Charles, at New Orleans, 25th July, 1817.

Protest of captain Louis Dequemenil de Morant, at New Orleans, 28th July, 1817.

Same, of Jean Baptiste Revarde, same place and date.

Deposition of Lanusse, owner of the brig Charles of New Orleans, of Jn. Ble. Revarde, owner of the brig Pomona, and Louis Dequemenil de Morant, owner of the brig Freelove, at New Orleans, 28th July, 1817.

Translation of a protest of Casimer Rieto, captain of the American brig Carlos, against the privateer Congresso, June 30, 1817.

Extract of a letter from captain Charles Morris, United States' frigate Congress, off the Balize, dated June 10, 1817, to the Secretary of the Navy.

Extract of a letter from lieutenant commandant John Porter, dated United States' brig Boxer, off the Balize, June 28, 1817, to Secretary Navy.

Extract of a letter from commodore D. T. Patterson to Secretary of Navy, dated New Orleans, July 28, 1817.

Extract of a letter from the deputy collector of the port of New York, to captain Samuel Evans, dated September 8, 1817.

Extract of a letter from captain John H. Elkton, to Secretary of Navy, dated September 26, 1817, on board United States' brig Saranac, Cumberland Sound.

Extracts from the same to the same, dated October 10, 1817.

Extract, same to same, dated October 19, 1817.

Extract, same to same, Cumberland Island, November 15, 1817, communicating

Copy of a letter from him to ———— Aury, commanding at Fernandina, dated United States' brig Saranac, Cumberland Island, November 3, 1817.

Same to same, dated brig Saranac, Cumberland Sound, November 9, 1817.

Four letters from ———— Aury, to captain Elkton, dated at Fernandina, November 4th, 9th, 11th, and 12th, 1817.

Extract of a letter from Thomas Waine, esqr. purser on board the United States' brig Saranac, dated St. Mary's river, September 27, 1817, to Benjamin Homans, esqr. chief clerk, Navy Department.

A. G. Villeret to captain John H. Elkton, dated Fernandina, November 4, 1817.

A register of the proceedings at Galveston—translation, 15th April, 1817.

Extract of a letter from Natchitoches, state of Louisiana, dated 4th February, 1817, to a gentleman at the City of Washington.

Several gentlemen have lately arrived here from the Republican Rendezvous, (Serpent Island) on Galveston Bay, near the mouth of Trinity river, who generally agree in their statements. They have four hundred land troops, commanded by colonel Perry; twelve or fifteen sail of vessels: commodore Aury commands the whole. Colonel Young, late of the 49th [should be 29th] regiment, with captain Brush, and several other officers and two hundred and fifty men, arrived there about a month and a half ago, with general Mino, and a Mr. Stewart, late from England. It is said the general has half a million of dollars at his disposition, furnished by a society in London, of which Mr. Stewart is the acting agent. The men are well supplied with every thing, and paid monthly; and it is suggested, that they will move to the southward early in the spring. They have lost by accident, since they have been there, five vessels and considerable property: they take and bring in prizes frequently. Commodore Aurey is stiled governor, and presides himself in the court of admiralty. General Bernardo is here, doing what he can, and draws on commodore Aurey for money: his bills are paid at sight. Some people came lately from St. Antonio, and say there are not more than two hundred men at the different posts, this side of River Grand, who would join any respectable republican force that may arrive there. No people can exist under more misery than is experienced at St. Antonio. We hear doctor Robinson is drowned in crossing a river near Vera Cruz. I am afraid it is true: he has lived months in my house: I never knew a man possessing more private virtues. We hear the Republicans have taken the city of Altimiro, at the mouth of Tompico river, and an escort of mules loaded with silver.

Extracts of letters from Robert M. Harrison, Esq. Consul of the United States, at the Island of St. Thomas, to the Secretary of state.

St. Thomas, 20th April, 1817.

"The increasing number of American seamen, whose ill success in the privateers, and pirates that infest those seas, induces them to relinquish those unprofitable pursuits, whenever an opportunity offers, and who almost universally swarm to this island to claim my protection and support, so that they daily almost surround my door, renders it again my duty to request instructions from the Department of State. I have not yet extended to such men, any more than a partial assistance, though many of them are in the greatest possible distress, considering that the expenditure of such large sums of

money, might be considered as advancing beyond the bounds of my duty. It is much to be regretted that the disappointment sustained by so great a number of our seamen, should not be sufficient to deter others from embarking in such enterprizes."

St. Thomas, 30th May, 1817.

"Numbers of American vessels, originally bound to the Spanish main, where their cargoes could have been disposed of to great advantage, have been deterred from a prosecution of their voyage, from a dread of the piractical cruisers that infest those seas, and have been actually obliged to sacrifice their property here, whilst English vessels prosecute the trade in perfect safety, merely from the circumstance of there being a few British vessels of war on the West India seas. The presence of one of our smallest armed vessels would completely awe those marauders, and enable our merchant vessels to prosecute a legal trade in safety. Her presence, (of the Boxer,) in this neighborhood would be attended with the most salutary effects."

Letter from Secretary of Treasury to Secretary of State, dated November 21, 1817, &c. &c. &c.

Mr. Crawford to Mr. Adams.

The Secretary of the Treasury presents his respects to the Secretary of State, and has the honor of transmitting to him copies of the communications which have been received at this department, concerning the occupation of Galvezton, and Amelia Island, by pesons sailing under the various flags of the independent governments of North and South America, late Spanish provinces.

21st *November* 1817.

Extracts of a letter from Beverly Chew, esquire, collector at New Orleans, to Mr. Crawford, dated

Collector's Office, New Orleans, Aug. 1, 1817.

"As it is your wish that every attempt to evade the provisions of the existing laws, should be communicated to the department, accompanied by suggestions of the measures necessary to repress the evil, I deem it my duty to state, that the most shameful violations of the slave act, as well as our revenue laws, continue to be practised, with impunity, by a motly mixture of freebooters and smugglers, at

Galveston, under the Mexican flag, and being, in reality, little else than the re-establishment of the Barrataria band, removed somewhat more out of the reach of justice, and unless the officers of the customs are provided with more effectual means for the enforcement of the laws, the Treasury must suffer incalculably. To give you a more correct idea of this establishment, it will be necessary to be a little prolix, which I beg you will excuse. Galveston is a small island or sand bar, situate in the bay of St. Bernard, on the coast of Texas, about ninety miles west of the Sabine, within the jurisdictional limits claimed by the United States, in virtue of the cession of Louisiana to them, by France. The establishment was recently made there by a commodore Aury, with a few small schooners from Aux Cayes, manned, in a great measure, with refugees from Barrataria, and mulattoes. This establishment was reinforced by a few more men from different points of the coast of Louisiana, the most efficient part of them being principally mariners, (Frenchmen or Italians,) who have been hanging loose upon society in and about New Orleans, in greater or smaller numbers, ever since the breaking up the establishment at Barrataria. Colonel Perry commanded one party, of about eighty or ninety men, of this new community, who had been enlisted principally as soldiers, within our jurisdiction; and Mr. Herarra, coming with a few followers from New Orleans, brought up the rear, and then announced the establishment to the world, by a proclamation, attested by a Frenchman, by the name of Morin, very recently a bankrupt auctioneer, in New Orleans, as secretary of state. From this new station, fed and drawing all its resources from New Orleans, and keeping up a regular intelligence, through a variety of channels, with their friends here, an active system of plunder was commenced on the high seas, chiefly of Spanish property, but often without much concern as to the national character, particularly when money was in question. The captures made by their numerous cruisers, (many owned by citizens of the United States,) were condemned by a pretended court of admiralty there, as prizes, and the cargoes introduced into this state, principally in a clandestine manner. The vessels, thus condemed, have generally come here under new names, and with the Mexican flag. Some of them have been detained by the United States' naval force, for hovering in our waters, and others have been libelled for restitution, by the Spanish consul, in behalf of the original owners, and though several trials have come on before the honorable the United States' district court for the district of Louisiana, and the claimants have never been able to produce proof of the government of Galveston having ever been authorized by the Mexican republic; and restitution has been decreed in several instances. There is no evidence of the establishment having been made or sanctioned by, or connected with, a Mexican republic, if one be now existing, and the presumption of such an actual establishment, under such authority, is strongly repelled, by the illegal and piratical character of the establishment, and its ambulatory nature, it is not

only of very recent origin, but is clothed with no character of permanancy; for, it was abandoned about the 5th of April, and tranferred to Matagorda, leaving, at Galveston, only an advise boat, to advertise such privateers and prizes which might arrive there, of the spot on which they had fixed their new residence. Some days after the abandonment of Galveston, several privateers arrived there, and among the rest, the General Artigas, commanded by one G. Champlin, of New York, with two schooners, her prizes, the Patronila, with one hundred and seventy-four slaves, and the Enrequita, with one hundred and thirteen slaves; and also, a Spanish and Portuguese vessel, and the American schooner Evening Post, of New York, Calvin Williams master, prizes to the ———, captain Maurice Nicholas Jolly.

Among the most conspicuous characters who happened to be then at Galveston, where many of the notorious offenders against our laws, who had so lately been indulged with a remission of the punishment, who, so far from gratefully availing themselves of the lenity of the government to return to, or commence an orderly and honest life, seem to have regarded its indulgence almost as an encouragement to a renewal of their offences. You will readily perceive I allude to the Barratarians, among whom the Lafittes may be classed foremost, and most actively engaged in the Galveston trade, and owners of several cruisers under the Mexican flag. Many of our citizens are equally guilty, and are universally known to be owners of the same kind of vessels. A number of these characters being at Galveston after the abandonment, readily saw the advantages that would result in the re-establishment of a government at that place, its situation, so immediately in the vicinity of our settlements, being much preferable to Matagorda, their views being entirely confined to introducing their captures into this state; accordingly, a meeting was called on the 15th April, and it was resolved to re-establish the government, and a true copy of their deliberations you have enclosed. I can vouch for the correctness of the copy, having received it from a person of undoubted veracity; and thus, without even the semblance of authority from the Mexican republic, they immediately proceeded to condemn vessels and cargoes as good prizes, and to introduce them into this port, and among the rest the cargo of the Evening Post. It was some time before this was known here, great pains having been taken to keep it secret. Since it has been known, I have felt it my duty to report all vessels and cargoes which have arrived here from Galveston, to the district attorney, who has had them arrested under the Spanish treaty, but owing to the unfortunate absence of the judge, no decision can be had thereon. These steps of the officers of the port have irritated the Barratarian gentlemen and their connexions in a high degree, and representations filled with falsehoods, will probably be made against them, particularly on the score of enmity to the patriotic cause. As well might a man be accused of being an enemy to personal liberty who arrests and confines a robber, as that the officers of the port of New Orleans should be accused of being unfriendly to the revolution in the Spanish pro-

vinces because they have attempted to prevent a lawless establishment at Galveston from violating the laws. The prizes made by the privateers under the Mexican flag, are to a very large amount of merchandize, such as jewelry, laces, silks, linen, britanias, muslins, seersuckers, calicoes, &c. &c. all of which are repacked in small bales, of convenient size for tranportation on mules, and the greatest part introduced clandestinely. Other articles, such as iron, nails, tallow, leather, glassware, crockery, cordage, beef, &c. are brought here in their prizes. It is stated, and universally believed, that captain Champlin sold the slaves captured in the Patronilla and Enrequita to the Lafittes, Sauvinet, and other speculators in this place, who have or will resell to the planters, and the facility offered to smugglers by the innumerable inlets, are too obvious on a view of the map to doubt but they either are or will be all introduced into this state, without the possibility of the officers of the revenue being able to prevent or punish them; more especially as a great portion of the population are disposed to countenance them in violating our laws. A few days ago information having been given that one of our citizens had gone to the W. with a very considerable sum in specie, to purchase slaves for himself and two other planters, I determined to make an effort to arrest him on his return, and immediately purchased a fine boat on account of the government, (which had been lately captured by a party I had sent on lake Ponchartrain, and condemned for a violation of the slave act) which I have sent under the command of an active, enterprising inspector, with a military guard of twelve men, and am in great hopes of his falling in with and capturing the party. I am persuaded you will approve of my not writing for instructions, at the risk of seeing the laws violated with impunity, and I cannot but hope the government will see the necessity of giving instructions to the naval force on this station to prevent the re-establishment of Galveston, otherwise the bay will no longer be safe for any flag. Since they have been denied shelter in Port au Prince, they have no other asylum than Galveston. On the part of these pirates we have to contend with, we behold an extended and organized system of enterprize, of ingenuity, of indefatigability, and of audacity, favored by a variety of local advantages and supported always by force of arms; and unless they be met by correspondent species of resistance, the results of the contest are of very simple calculation."

"You will, I trust, see the necessity of either granting a certain number of revenue cutters, of the description I have mentioned, or that the naval force on this station may be enjoined strictly to prevent these privateers from hovering in our waters and violating our laws. It is a fact yon may rely on, all the cruizes of these privateers commence and end at this port; they enter in distress, comply with the formalities of the law, and if they do not augment their force and renew their crews in port, they do it in our waters, and it is not in my power to prevent it."

Mr. Chew, Collector at New Orleans, to Mr. Crawford.

Collector's Office, New Orleans, August 30th, 1817.

SIR,

In the communication which I had the honor to make you, under date first instant, I gave such information respecting the establishment at Galveston as I had collected; since then the despositions of Messrs. J. Ducoing and V. Garros (ex-judges of admiralty at that place, and now here) have been taken, and I herewith transmit you copies, which go to substantiate the material fact stated by me, and I make no doubt but you will be satisfied of the correctness of the assertion, that the establishment of Galveston is nothing more or less, than one of privateersmen, without even the shadow of a connexion with a Mexican republic, if such a republic exists, and as such will not, I presume, be countenanced by the government of the United States. It has been reported to me, and from a source deserving credit, that the principal part of the force from Matagorda and Soto de la Marina, had returned to Galveston, and that two prizes with slaves have recently arrived, one a schooner with a full cargo, said to be 300, (probably exaggerated,) that a contagious fever having made its appearance among the slaves, the privateersmen apprehensive of its communicating to the other prize, cut the cables, and sent the schooner adrift with the unfortunate beings on board!!! The other prize a ship, with 400 slaves, was lying there, and they have altogether about 650 slaves on hand, all of whom intended to be introduced in this state.

The United States brig Boxer, has sent in two small schooners with 30 slaves on board, captured in our waters, and the deputy collector of the district of Teche, writes me he has seized 15, and was in pursuit of a larger number. At this moment I have sent two confidential inspectors to examine three plantations on this river near Baton Rouge, information having been given me, that 100 had been purchased for the three at Galveston. This activity has occasioned some alarm, and I am informed (and place complete confidence in it) that the privateersmen and others interested, have resolved to remove the slaves to the neighborhood of Sabine, build barracks, and keep them there during the winter, or till the purchasers appear, and leave the risk of introducing the slaves to the planters, whose eagerness to procure them, will induce them to run every hazard. They imagine that fixing themselves to the west of the Sabine, they will be without the jurisdiction of the United States; but I trust they will find their mistake only when the whole party will be seized.

In addition to the foregoing, I beg leave to refer you to the documents lately forwarded by commodore Patterson, to the honorable Secretary of the Navy, with the memorial of some of the most respectable merchants of this place, praying him to furnish convoy to protect their vessels, trading with the Spanish ports, from the piratical cruisers who respect no flag when specie is in question.

I have lately sent an inspector of confidence, to examine La Fourche from the Mississippi to the sea, and he reports it as thickly settled for 80 miles from the river; has 8 to 10 feet water, and 6 feet on the bar, at the mouth or entrance in the sea: there is no obstacle whatever to craft entering it from the sea, and ascending to the Mississippi, and trading freely as high up as they please. I mentioned in my last, the necessity of appointing an inspector for that place, if you decide not to have revenue cutters on this station. I cannot but repeat that I am firmly persuaded the measure is more necessary for this, than any other district in the United States. Bartholomew Lafon of this place (who acted as secretary to the meeting of 15th April, copy of deliberation forwarded in my last) is mentioned as the governor of the new establishment near the Sabine. Lafitte is now purchasing a large quantity of provisions, and the first cargo will soon sail, a copy of the manifest, will soon accompany this or follow. These persons and a long list of others, I could add, if necessary, have no other profession, occupation, or mode of livelihood, than privateering and violating our laws, and openly threaten revenge against any officer of the revenue that may molest or impede their pursuits. They are now preparing a memorial to the department, with the double view to misrepresent the conduct of the officers of the port, and to obtain permission to introduce their illegally captured property, under the false pretext that they (the memorialists) have made heavy advances; the truth is, the only advances they allude to, is the equipment and fitting out privateers contrary to our laws. The exports from this place to Galveston and Matagorda, have consisted principally of provisions; a cargo of arms was sent sometime in the fall of last year, which has long since been given up as lost, and no return whatever can ever be expected from the Mexican government, from all present appearances. The imports (without taking into consideration the large amount of goods introduced clandestinely) has been very large as you will observe by the enclosed abstract of duties secured at this office on these importations.

I have felt it my duty to give you this information for your correct understanding the nature of the establishment at Galveston, and cannot but hope you will be pleased to instruct me explicitely how to act. My conduct has been governed by a sense of duty, and from a conviction of its propriety; if I have erred, I hope it will be ascribed to an honest zeal.

I am, &c. &c.

(Signed) BEV. CHEW.

P. S. The brig with provisions and lumber for the winter quarters of the slaves, attempted to clear to-day; but, owing to the informality of her papers, it is postponed till Monday. I enclose a list of private armed Mexican and Venezuelan vessels now in port.

List of Mexican armed vessels, now in the port of New Orleans, commissioned by Aury.

				Commission.
Belona	Dewatre	6 guns	55 men	4 March, 1817.
Calibra	Deverge	1	30	4 April
Diana	Requete	6	40	9 May
Esperanza	Goitz	2	18	24 Nov. 1816.
Mosquito	Jaret	7 tons	17 muskets	23 June, 1817.
Victory	Dewatre	5 guns	60 men	5 July

The following commissioned by general Bolivar, (Venezuela:)

Gen. Arismanda	Beleriche	5 guns	114 men	8 May, 1816.
Guerera	Rustique	3		20 August
Hidalgo	Sanvenet	1	50 men	24 Jan. 1817.
Josefina	Quere	1		19 May, 1816.
Eugenia	Lemeson	3	60 men, just sailed on a cruize.	

Mr. Chew to Mr. Crawford.

Collector's Office, New Orleans,
October 17, 1817.

SIR,

My communications of the first and thirtieth of August last, relative to the establishment at Galveston, and the numerous cruisers under the Mexican flag, that infest our waters, will, I trust, have reached your hands. I deem it my duty to trouble you once more upon the same subject, and to enclose copies of additional testimony of Mr. John Ducoing, late judge of admiralty, and of Mr. Raymond Espagnol, late secretary of state, which will, I trust, satisfactorily prove my assurances of the piratical nature of the establishment, and justify, in your opinion, the officers of this port, in the steps taken by them to put an end to it; for such, it appears, has been the effect of the measures adopted here. Late advices from that place state, that Aury and Champlin, with their privateers and prizes, said to be thirteen sail, evacuated the place, and it is believed they have steered their course for Amelia Island. Before their departure, they disposed of about three hundred Africans, to the agents of some planters on this river; the remainder they have taken with them. The deputy collector of the district of Teche, writes me, a large gang of Africans passed near the church of Attacapas, on the night of the 14th ultimo, bound for the Mississippi. He heard of it too late to seize them. I have sent a confidential agent to watch the plantations of

Joseph Erwin, James Still, and Christopher Adams, it being reported that the latter had been to Galveston, to purchase slaves for himself and the others. I received, a few days ago, a letter from the person called commodore Aury, dated at sea, 31st July last, on board the privateer Mexican Congress, (late Calypso, of Baltimore,) enclosing a duplicate of a letter, which it appears he had thought proper to write to me on the 28th of the same month, (the original of which has never come to hand.) In this letter he gives me a kind of official information, that it has been determined to abandon Galveston, and that he had taken with him the judge of the admiralty, the collector, and all his other constituted authorities, and that, whatever may be done at the place, after that date, will be without his approbation or consent, and any clearances, or other official acts, at that place, illegal. I have no doubt, however, but that a new establishment will be soon made there. The advantages are too great to be voluntarily abandoned by persons who have so long enjoyed the profits. Early in September, two vessels, the Carmelite, belonging to B. Lafon, and the Franklin, belonging to J. B. Laforte, (both unregistered vessels, formerly prizes,) cleared at this office for Laguna, but really bound to Galveston, with provisions, and materials for erecting buildings. On their arrival they found the place deserted, and the Franklin has returned to this port with her outward cargo. By her, accounts have been received that the Carmelite was laying there, and that Lafitte, (who had been pardoned for the crimes committed at Barratari,) and Lafon, had arrived there, with about forty other persons, and it is believed intended to form an establishment, and will, no doubt, soon replace the judge, and other authorities, carried off by Aury. Private armed vessels, under the Mexican flag, and one or two under that of Venezuela, continued to frequent this port, and uniformly report in distress; (one case only excepted;) make protest, and obtain a certificate from the wardens of the port, that there is necessity to unlade their armament and heave down. They have been thus admitted to an entry, free of any charge, other than fees to the officers of the customs, under the sixtieth section of the collection law. This course seems to have been adopted by my predecessor, and has been followed by me, in compliance with the instructions from the Department, of third July, 1815. These armed vessels being admitted, great care has been taken not to permit any violation of the acts of 5th June, 1794, and 3d March last, by augmenting their force, or enlisting American citizens; but, in defiance of every vigilance, on the part of the officers of the customs, they violate the law, not whilst they remain in port, but before they leave our waters. Nothing is easier, when the privateer is completely repaired and ready for sea, than to send both men and guns, if they need them, to Barrataria, or any other convenient place where the privateer repairs to, and takes them on board, and sails on a cruise, with an augmented force, to commit hostilities against the persons and property of a nation with whom the United States are at peace.

It is universally reported and believed, many of these vessels (under the Mexican flag, and commissioned by Aury,) are owned by persons resident here, and enjoying the privileges of American citizens. At the end of the cruise the same farce is played over again and it may with truth be said, that each cruise commences and ends at this port. Attempts have been made to convict them, but as yet without success. They easily exculpate themselves. Witnesses, on their part, are never difficult to procure, in a place where there are a vast number of people with whom the solemnity of an oath has little weight. This you will believe, when I add, that two witnesses were produced in the United States' district court, in the month of May last, who swore that Galveston was a considerable and well built town, with coffee houses, shops, &c. and that the then constituted authorities, (Durieu, Ducoing, Espanol, &c.) had been appointed and commissioned by Aury. The testimony of the two latter, as well as many other persons now here, will fully refute that falsehood.

I hope you will be pleased to give me some instructions relative to the cruisers, that I may act in a way to meet the views of the executive.

I have the honor to be, &c.

(Signed) BEV. CHEW.

To the hon. William H. Crawford,
Secretary of the Treasury.

The United States' district court, Louisiana district.

The United States in behalf, &c. Vs. Cargoes of Juana, Eliza, Carmelita, and Diana.

The same, Vs. Brigs Dina and Juana, schooners Eliza and Carmelite.

The same, Vs. Ninety boxes sugar.

The same, Vs. Sundry goods, &c. part of schooner Mount Vernon's cargo.

City of New Orleans, to wit:

Bevery Chew, collector, one of the officers of the port of New Orleans, being duly sworn, deposes and says, that Raymond Espanol, and John Ducoing, as this deponent is advised and believes, are material witnesses on the part of the prosecution, in the above cases, and without the benefit of whose testimony the trial on the said behalf, cannot safely be proceeded in; that the said witnesses are, as this deponent is informed, and believes, about permanently to depart the United States, and before, in the common course of proceeding,

thes aid causes can be brought to trial; so, that unless a commission issue for taking the depositions of the said witnesses, prior to their intended departure from the United States, as aforesaid, the prosecution he apprehends and believes will be deprived of the evidence of the said witnesses.

BEV. CHEW.

Signed and sworn to, before me, this 6th day of October, 1817.

(Signed) JOHN NIXON, *Justice of the Peace, for the fifth section of New Orleans.*

To the honorable Dominic A. Hall, judge of the district court of the United States, in and for the district of Louisiana.

The petition of Beverly Chew, collector of the district of Mississippi, and one of the officers of the port of New Orleans, respectfully sheweth:

The facts set forth in the annexed affidavit, and prays an order pursuant thereto, commissioning some judge or justice of the peace in the city of New Orleans, to take the depositions of the said witnesses in the said cause, at such time and place as to your honor shall seem meet.

And as in duty bound, &c.

(Signed) BEV. CHEW.

Additional testimony taken in sundry causes depending in the United States district court, for the Louisiana district, on behalf of the United States, against sundry vessels and cargoes from Galveston.

John Ducoing being duly sworn, the deponent further says, that the establishment at Galveston was composed, as before stated, by persons of various nations, and that the sole view and object of the persons comprising the said establishment was to capture Spanish vessels and property, without any idea of aiding the revolution in Mexico, or that of any other of the Spanish revolted colonies, as far as this deponent knows and believes. And the deponent says that during the time he exercised the functions of judge at Galveston, he had no knowledge or belief in the existence of a Mexican republic or other goverment, independent of the Spanish government.

The deponent further says, that the government established on the 15th day of April, had no connexion whatever with any other government, state, or people. That Galveston stands on a small

island, or rather a small sand bar, a few miles long and broad, and was a desart when taken possession of by Aury, known by the name of Snake island, without a port or harbor, and no buildings except a few huts or cabbins, probably three or four, made of boards and sails of vessels.

And further this deponent saith not.

JOHN DUCOING.

Sworn and subscribed before me, this 7th day of October, 1817.

(Signed) R. CLAIBORNE, Clerk.

Mr. Raymond Espanol being duly sworn, says, that on the 16th day of March last, this deponent went from this place to Galveston, in the province of Texas, in the brig Devorador, for the purpose of disposing of merchandize. Aury was acting as governor. This deponent accepted of no office or employment under Aury, nor had he any acquaintance with him; never took any oath of allegiance to Aury; that on the 5th of April last, Aury and Gen. Mina abandoned Galveston, burned the huts and cabbins there were standing, and left no person, authorized by them or otherwise, to form a government. After their departure, to wit: on the 15th of April 1817, the persons then at Galveston consisted of about thirty or forty in number, including sailors, &c. six of whom assembled on board of the schooner Carmelita (belonging to Mr. Bartholomew Lafon, late of New Orleans, and engineer in the service of the United States) to wit: Durier, John Ducoing, Pereneau, said B. Lafon, Rousselin, and this deponent, who formed the new government. The proceedings were drawn up and signed by those present, by which certain persons aforesaid took upon themselves offices, namely:

Durier, *Governor.*
John Ducoing, *Judge of Admiralty.*
This deponent, *Notary Public and Secretary.*
Pereneau, *Major du Place.*
Rousselin, *Collector.*

At the meeting on the 15th April, there was no paper or document produced, authorizing the same, or giving them power to form a government.

The deponent further says, that the sole object and view of the persons comprising the establishment at Galveston was, as far as he knows and believes, to capture Spanish property under what they called the Mexican flag, but without an idea of aiding the revolution in Mexico, or that of any of the Spanish revolted colonies; and further, that during the time that this deponent acted as notary public and se-

cretary to the new government at Galveston, he had no knowledge or belief in the existence of a Mexican republic, or any government in Mexico, independent of the Spanish authorities; further, the deponent says, that the new government established at Galveston on the 15th of April 1817, had no connexion whatever with any other nation, state or people.

That Galveston stands on a small sand bar, a few miles long, and broad, and was a desert when taken possession of by Aury—known by the name of Snake island; without a port or harbor, and no buildings except three or four cabbins built of boards and sails of vessels.

Further, this deponent says, that some time in the month of May last, when some of the merchandise and vessels from Galveston, were libelled by the Sapanish consent in behalf of the Spanish owners, application was made to this deponent to appear before the honorable judge Hall, and to prove that the authority appointed by the meeting at Galveston, on the 5th of April last, were appointed and commissioned by Aury. This application was explicitly stated to be on behalf of those interested in the Galveston establishment, particularly of Mr. Bartholomew Lafon and Mr. J. Bte. Laporte, the former of whom, it was known, to be indebted to this deponent in a sum of ten or twelve hundred dollars; this deponent refused informing the person by whom the application had been made; that if the deponent appeared he would tell the truth, and should prove that the persons forming the government at Galveston (after 15th April,) were not named by Aury. This deponent was not summoned as a witness, though it was known he was in the city, and has continued since to reside here. The deponent says that this is the true reason why he was not summoned to appear before the judge at the time when Messrs. Rienx and Pereneau appeared.

RICHARD ESPANOL.

Sworn and subscribed before me, this 7th day of October, 1817.

(Signed) R. CLAIBORNE, Clerk.

(Extract.) *Mr. M'Intosh to Mr. Crawford.*

The Refuge, near Jefferson,
Camden County, 30th October, 1817.

"DEAR SIR,

The last letter I had the honor to address you, was on the 9th of August; shortly after which the public papers announced that you had left Washington on a visit to Georgia. A few weeks after, I thought it not imprudent to venture out to my swamp plantation on the Sotillo, and since, have been very little at St. Mary's. Since General M'Gregor, and the greater part of his officers, (some of whom

were men of respectable standing in the United States) have left Amelia Island, there has not been so much ingenuity made use of in misrepresenting the conduct and intentions of the invaders of East Florida; and the accounts which are published of them, are, for the most part, generally correct. The present chief, commodore Aury, got the command very much against the inclinations of sheriff Hubbert, and colonel Irwin. When he arrived at Fernandina, with his squadron of privateers and prizes, they were entirely without money. He declared, "that if he gave them any aid, it must be on the condition of being made commander in chief; and that as General M'Gregor never had any commission whatever, the flag of the Florida republic must be struck, and that of the Mexican hoisted, and that Fernandina should be considered as a conquest of the Mexican republic, (under which he was commissioned,) without its being necessary that any other part of the province of East Florida should be conquered." Hubbert and Irwin reluctantly agreed to the mortifying condition of resigning the command. They were never friendly with the commodore, and endeavored, but in vain, to gain over by intrigue, a part of his men. Their own party considerably increasing shortly after, they were several times on the point of coming to open war with Aury, and his followers; and under the pretence that Aury's force were composed chiefly of brigand negroes. A few days before Mr. Hubbert's death, (who was called governor without having any power,) Aury marched to his quarters with a body of armed men, and obliged him to make such concessions as drove him to an act of intemperance, which soon after terminated his existence.

Since the death of this gentleman there has been little or no disturbance among them. But it would appear as if the suspicions of the Frenchman, did not die with Hubbert, as none of his privateers have yet left Fernandina.

The parties are designated as the American and French, and I have been assured by individuals belonging to them both, that each are anxiously looking for reinforcements. Aury has a number of Frenchmen, who were, it is said, officers of Bonaparte. They find it their interest as well as inclination to support their countryman.

His great dependence however, is, on about one hundred and thirty brigand negroes—a set of desperate bloody dogs.

The American party which are rather more numerous than the other, consist generally of American, English and Irish sailors; but now have no declared leader. Irwin wants either spirit or popularity to assume that character. For my own part, I believe that in point of morals, patriotism and intentions, they are exactly on a par. Aury's blacks, however, make their neighborhood extremely dangerous, to a population like ours; and I fear that if they are not expelled from that place, some unhappy consequences may fall on our country. It is said, that they have declared that if they are in danger of being overpowered, they will call to their aid every negro

within their reach. Indeed I am told that the language of the slaves in Florida is already such as is extremely alarming.

The PATRIOTS at Fernandina, had about ten days ago an unexpected and strange reinforcement. Twenty half pay British officers, by the way of Turk's island, arrived at St. John's river, and mistaking it for Amelia, a colonel and a couple of others were made prisoners by the Spaniards. The others got safe to Fernandina; but finding that general Sir Gregor M'Gregor had abandoned it, they determined immediately on doing so too."

Extracts of a letter from Mr. Clark, Collector of St. Mary's to Mr. Crawford.

Collector's Office, St. Mary's, Georgia,
1st November, 1817.

Honorable Wm. H. Crawford,

SIR,

I hasten to communicate the following information by letter, received from a gentleman residing on St. John's river, East Florida. The subject in its bearings, presents considerations of the first importance, as to our political relations with Spain.

The following is extracted from the same:

"*Pablo river, St. John's, October 24th*, 1817.

About sunset a yawl boat arrived at the landing, when seven persons came from her, who requested shelter for the night, and some refreshment, stating that they were half-pay British officers of the army and navy, from the island of St. Thomas, on their way to England, via the United States: that they had mistaken this bar for St. Mary's; that they left the schooner in the offing under that impression, and intended to send her a pilot by the return of the boat. After staying all night, they embarked at day light, having procured a negro pilot to conduct them inland, to Fernandina.

Colonel M'Donald in thanking me for the hospitality he had received, said he felt bound as a gentleman to be candid, and accordingly informed me, that they had lately arrived from London at St. Thomas, in the ship Two Friends, with a great number of officers, and munitions of war in abundance; that he had with him 30 officers on board the schooner; that he would command in this quarter; that they would have men sufficient, and a profusion of every thing necessary for active operations. That they wanted a war with Spain, and that he had power to draw on England for 100,000 pounds sterling: that they would have a fine train of artillery; and that all these supplies were actually on their way or shipping; that a number of gun brigs and sloops would leave England, reported for the East Indies;

but were bound directly here, and to South America. That they were much disappointed at St. Thomas, on hearing M'Gregor had left Amelia island; and that the capture of Amelia was known prior to their leaving England."*

These officers have a soldier-like and genteel appearance, and all have their commissions; they said "their object in leaving the schooner was to reconnoitre."

They have all since arrived at Fernandina.

I have the honor to remain, &c.

(Signed,) ARCHD. CLARK.

Extract of a letter from Lieutenant Commandant B. V. Hoffman, to captain Charles Morris, transmitted by the latter to the Honorable B. W. Crowninshield, Secretary of the Navy, dated,

January 18th, 1817.

"I spoke during my cruise with several American and English vessels, and the private armed Mexican schooner Eugene, the latter I seized on the 17th instant about four miles from the bar, in the name of the United States, for having no papers and a number of blacks on board, said to be slaves. I have sent her to New Orleans under charge of sailing master Mott."

Extract of a letter from captain Charles Morris, to the Secretary of Navy, dated,

United States' Frigate Congress, off the Balise,

March 14th, 1817.

"From the best information I could obtain, a general belief appears to exist that the patriots under General Mina, had intended, and perhaps still meditate, an attack upon Pensacola, and that he proposes to collect a portion of his troops within our territory, a part on the waters of the Alabama, and a part on the islands west of Mobile, from which islands to embark on board vessels under his direction. These movements are said to have been delayed from the want of funds and the present extreme scarcity of provisions in New Orleans. It is also reported that one of the inducements, which general Mina holds out for persons to join in his enterprises,

* Capt. Thomas was at St. Mary's with Cockburn, and lieutenant of the ship that fired on gunboat 168, after the peace

is an assurance that the government of the United States is acquainted with and not averse to his intended movements.

Although I cannot myself believe that general Mina will risk his limited means, and expose his force to immediate dispersion by wantonly violating the neutrality of the United States, yet I conceive it my duty to neglect no proper means of preventing the execution of any act which may, in any degree, compromit the honor, interest, or neutrality, of the United States; and so soon as I shall procure the provisions and water of which we are at present in want, I shall return to the vicinity of Ship Island, ready to act as circumstances may require."

Daniel T. Patterson to the Secretary of the Navy, dated

New Orleans, August 4th, 1817.

SIR,

Enclosed herewith I do myself the honor to transmit a copy of a memorial, addressed to me by a highly respectable body of merchants of this place, engaged in commerce with the royal Spanish ports on the Maine and island of Cuba, together with the protests of the masters of three vessels, robbed by cruisers under the flags of the Independent Provinces, and reported in my letter of the 28th ult. and upon which the memorial is predicated. The robberies thus set forth are so flagrant and outrageous, and the protection therein solicited so necessary and just, for the preservation of a valuable and highly lucrative commerce, that under the orders to captain Morris, from the department, under date of the 19th October last, to "protect the commerce of the United States in the Gulf of Mexico, against the violence and depredations of pirates, and against any exercise of force, by armed vessels of whatever nation or country, not authorized by the belligerent right of search, or laws of blockade as asserted by the United States," I deem it my duty to afford the convoy requested, having satisfactory proof of the vessels and property being bona fide American, and not being of contraband of war. The vessels convoying will not be permitted to enter the ports, or to receive on board any article of merchandise, in which will be comprehended specie and bullion. The convoy will simply be seen safe into port, and the vessel convoying will return to her station on our own coast, bringing with her any American vessels that may be ready and bound to this port.

In thus affording convoy to American vessels engaged in a fair and legal commerce, I trust I am carrying into effect the orders of the

department in their true spirit and meaning, and that the course I pursue will meet your approbation.

I have the honour to be,
With great respect,
Your obedient servant,

(Signed) DANIEL T. PATTERSON.

The Hon. B. W. Crowninshield,
Secretary of the Navy, Washington.

Memorial of merchants of New Orleans, to commodore Patterson, of the 28th of July, 1817.

To Captain Daniel T. Patterson, commodore of the United States' naval forces on the New Orleans station.

The memorial of the subscribers, merchants of the city of New Orleans, citizens of the United States, respectfully sets forth:

That your memorialists have extensive dealings with the merchants of La Vera Cruz, Campeachy, and other places in the Gulf of Mexico, and usually receive from thence gold and silver, as returns for their adventures, and remittances from their correspondents and debtors there.

That since some part of the Spanish colonies have risen in arms against the royal authorities, vessels carrying the flags of the several new republics of Buenos Ayres, Venezuela, and Mexico, pretending to have commissions from the constituted authorities there, to cruise against their enemies, but manned with renegado crews of all nations, have lately commenced the plundering the vessels of your memorialists, sailing under the flag of the United States, on lawful voyages, and rob them of whatever specie they find on board. The brigs Pomona and Freelove, owned by citizens of the United States, resident in this city, have been robbed in this manner; and the brig Charles, also of, and owned in this city, by an American citizen, has been deprived of her papers on the high seas, and thereby exposed to be made lawful prize of by any cruiser, when she was fortunately boarded by the United States' schooner Firebrand, commanded by lieutenant Cunningham, who convoyed her to Vera Cruz, her destined port. Proofs of all these nefarious acts are hereunto annexed.

That your memorialists, under these circumstances, impeded in their lawful commerce by marauders and pirates, are prevented from sending their vessels to sea, as they cannot insure them under premiums which would be ruinous, and labor under the intolerable disappointment of not receiving the expected returns for their property, now in the Spanish dominions, and ready to be shipped to them if it could be done with safety.

That the commerce carried on by your memorialists, with the Spanish colonies, is extremely advantageous to the United States, inasmuch as it exchanges the productions of this country, and other merchandise, for the precious metals; but their value has now so excited the cupidity of the freebooters of the Gulf, secure, as they believe, from resistance and from punishment, that all this valuable commerce will cease unless the merchant vessels be protected; and that protection is now solicited from you.

Your memorialists, therefore, respectfully intreat that you will give orders to the armed vessels of the United States under your command, to give convoy to the vessels of your memorialists, to and from the Spanish ports in the Gulf of Mexico, on such conditions and under such regulations as you may think fit, and the least inconvenient to yourself and the public service.

(Signed)

T. & D. Urquhart,
Richard Relf,
Benjamin Story,
J. Longpre,
Amory, Callender, & Co.
L. D. de Morant,
Tallcot & Bowers,
S. N. Stackhouse,
R. L. Rochelle & Shiff,
David Olivier,
Isaac L. M'Coy,
Wm. Wyer,
M. Fortier & Fils,
Cavalier & Fils,
Paul Lanusse,
Pedro Dalhoste y Claveria,
Vincente Nolte & Co.
Dutillet & Sagory,
Jno. Bte. Labattut,
Simon Crecully,
L. Millaudon,
G. Dusser,
William Kenner & Co.
Debuys & Longer,
J. Brandeger,
Harrod & Ogden,
James Johnson,
J. Tricou & Fils,
Dge. Rouquette,
John Garnier.

New Orleans, 28th July, 1817.

Protest of William B. Cox, late mate of the America brig Charles, at New Orleans 25th July, 1817.

By this public instrument of protest, be it known, that, this day, before me, John Lynd, notary public, in and for this city of New Orleans, duly commissioned, personally appeared William B. Cox, late mate of the American brig called the Charles, Casimere Priato, master, who, having been first duly sworn to declare the truth, declared that they sailed from New Orleans, on board of the aforesaid brig, about the twenty-eighth day of May last, bound to Vera Cruz. On the 18th day of June last, off Point del Gado, the Charles was brought too, by an armed vessel, which proved to be the Mexican Congress, captain Sebastian Boquiere, who ordered a boat on board with the brig's papers. Captain Priato being unwell, ordered me to go on board with the papers. On going on board, captain Boguiere ex-

amined the papers, and informed me that he would send the brig into some Mexican port. At this moment a sail was discovered to the windward, and reported; the captain went on deck and ordered my boat to shove off, giving me the papers of my vessel. While going forward to get into my boat, I was ordered back by captain Boguiere, and to remain contented, until he should think proper to discharge me. All sail was immediately made in chase of the sail to the windward, and in four hours we lost sight of the brig Charles, she bearing southwest by south. The Mexican Congress continued the chase until the evening, when the strange sail was lost sight of in a squall. The Mexican Congress continued to cruize afterwards, four or five days, during which time, captain Boguiere seemed entirely indifferent about falling in with my vessel, although I spoke to him repetedly on the subject. He afterwards steered away northwardly for Matagorda, where we arrived on the second day of July. On the third, captain Boguiere sent me on shore with a letter to governor Aury, requesting him to procure me a passage to New Orleans. Governor Aury ordered me on board the privateer Victory, captain D. Wata, that being the first vessel about to sail for New Orleans. Catain D. Wata repeatedly told me that he had express orders not to discharge me from his vessel, until he was about to leave New Orleans. We arrived at the Balize the 18th day of July. I immediately wrote to captain Cunningham, of the United States' schooner Firebrand, but received no answer. I then wrote to captain Porter, of the United States' brig Boxer, lying off the Bailze, who sent his boat on board for me, and took me on board his brig, overhauled my papers, and sent me on shore. I then got a passage and came to New Orleans, where I arrived this twenty-fifth day of July, one thousand eight hundred and seventeen.

Whereupon this appearer declared to protest, and by these presents does thus publicly and solemnly protest, against the said vessel called the Mexican Congress, her officers and crew, for all damages sustained, or to be sustained, by the said brig Charles, and her cargo, and for all other damage of whatever kind, in consequence of the acts heretofore detailed; and that the same ought not in any manner to be attributed to any fault, negligence, or mismanagement, on the part of this appearer, or any other of the said brig Charles' crew. Thus done and protested at New Orleans, this twenty-fifth day of July, one thousand eight hundred and seventeen, in presence of Isaac T. Preston, and Edward Gorman, witnesses, who hereunto sign their names, with the party, and me, notary; W. B. Cox, T. Isaac Preston, Edward Gorman John Lynd, notary public.

I certify the foregoing to be a true copy of the original act, extant in my current register; in faith whereof I grant these [L. S.] presents, under my signature, and the impress of my seal of office, at New Orleans, this twenty-fifth day of July, one thousand eight hundred and seventeen.

JOHN LYND, Nt. Pub.

Protest of captain Louis Dequemenil de Morant, at New Orleans, 29th July, 1817.

United States of America,

state of Louisiana, City of New Orleans.

By this public act of protest, be it known, that, on the 30th day of June last, before me, Carlile Pollock, esquire, notary public in and for this City, duly commissioned, came captain Louis Dequemenil de Morant, master of the brig Freelove, of New Orleans, who declared that he had sailed in and with said brig for Campeachy, bound to this port, on the 7th of June last, and had suffered loss by piracy and robbery on the high seas, particulars of which he would detail at more leisure.

And this day again appeared the said master, with John Baptist Tozo, seaman, and Charles F. Escoffie, passenger, said vessel, who, having been duly sworn to declare the truth, deposed, that when they sailed as aforesaid, said brig was tight and strong, well manned and provided. At noon on the 8th, they observed in lat. 21° 12′, and at 2 P M. a sail appeared making for them. At 3 P. M. they discovered the sail to be a privateer, shewing the Buenos Ayres flag. The brig hoisted hers, and at 4 30 hove too on the privateers firing a gun. At five they were boarded by the privateer, and after the usual questions, the person who appeared to command, examined the brig's papers, and not finding a register among them threatened to carry her to Matagorda. These appearers represented that there was abundant proof of the vessel and cargo being American property, and no just ground for detainig her, or interrupting the lawful commerce she was then carrying on; to which the boarders replied they should do as they thought fit. At 6, the person who commanded the party, sent two of the brig's people on board of his privateer, but remained with eight of his own on board the brig. One of the persons so sent to the privateer, was John Smith, the boatswain, who gave information to the mate of the privateer, that one of the passengers on board the brig, Jose Domingo Rascon, had eleven or twelve hundred dollars in specie, with him. At the break of day, next morning, the mate of the privateer came on board the brig, and informed his captain, what he had heard; the latter then told these appearers that he knew said passenger had money, that he was a Spaniard, and he would take it from him. It was in vain urged that though a Spaniard, he was under the protection of the American flag, and ought to be free of all ill treatment and violence. They answered they would take his money; and did accordingly rob him, the said Jose Domingo Rascon, by taking from his person, a girdle containing fifty doubloons, and carried off his two trunks, his bed, fifty five dollars in silver, and every thing else belonging to him, using the most frightful threats to induce him to discover other property. Finding they could get nothing more from him, they ransacked the brig's cabin, and took one hundred and

thirteen dollars, which Francis Cuesta, a citizen of the United States, and one of the crew, had hid in a barrel of beans; and to all remonstrances the plunderers only answered they would do as they thought fit. They then prepared to leave the vessel, but their captain demanded some shoes, fowls, and turkeys, for which he gave in exchange a small bale of cinnamon, some annisette, gin, &c. and at 9 A. M. they quitted the brig to go in pursuit of the brig Pomona, captain Rivarde, then in sight. The person who appeared to command the pirates, called himself John Hanville; said the privateer was the Mary Ann, and was cleared out at Galveztown, by Mr. Aury, there, on the 12th May last, as appered by a commission he exhibited. His role d'equipage shewed sixteen men, but he had only thirteen with him. These appearers thereupon declared to protest, and by these presents do publicly and solemnly protest against the unjustifiable violence offered to their vessel, and the plunder of the same, by the said privateer, her captain and crew, to which their unarmed state obliged them to submit, and for which said plunderers are, and ought to be held responsible. Thus done and protested, at New Orleans, this eighth day of July, one thousand eight hundred and seventeen, the protesters hereunto signing their names with me, notary. Signed, L. D. de Morant; mark of John Bapt. Tozo; Charles F. Escoffie; Carlile Pollock, Not. Pub.

I certify the foregoing to be a true copy of the original act, extant in my current register, as witness ny signature and seal of office. New Orleans, 29th July, 1817.

[L. s.]

CARLILE POLLOCK, Not. Pub.

Deposition of Paul Lanusse, owner of the brig Charles, of New Orleans, of Jean Baptiste Revarde, owner of the brig Pomona, and Louis Doquemenil de Morant, owner of the brig Freelove, at New Orleans, 28th July, 1817.

United States of America,

State of Louisiana.

(L. s.) By this public instrument, be it known, That I, Carlile Pollock, esquire, notary public, in and for the City of New Orleans, by letters patent under the great seal of the state of Louisiana, duly commissioned and sworn, and by law invested with full power and authority to attest deeds, wills, and other instruments in writing, and to administer any oath or oaths, to any person or persons, do hereby certify, that this day, before me, came Paul Lanusse, of this city, merchant, who, having been sworn, deposed that he is the true and only owner of the brig Charles, of New Orleans, and is a citizen of these United States.

And also appeared Jean Baptiste Revarde, of this City, mariner, who, being sworn, deposed that he is the true and only owner of the brig Pomona, of New Orleans, and is a citizen of these United States.

And also appeared Louis Doquemenil de Morant, of this City, mariner, who, being sworn, deposed that he is the true and only owner of the brig Freelove, of New Orleans, and is a citizen of these United Stetes.

And the said appearers severally deeposed that no citizen nor subject of any foreign state or power, is interested in the vessels so respectively owned by them, nor in the profits or issues thereof, directly or indirectly, by way of trust, or confidence, or otherwise. In faith whereof, they hereunto sign their names: John B. Rivarde, L. D. de Morant, Paul Lanusse.

Whereof an attestation being required, I have granted these presents under my national firm and seal.

Done and passed at New Orleans aforesaid, the twenty-eighth day of July, in the year of our Lord, one thousand eight hundred and seventeen.

(Signed) CARLILE POLLOCK, Not. Pub.

Protest of Jean Baptiste Revarde, at New Orleans, 28th July, 1817.

United States of America,

State of Louisiana, City of New Orleans.

By this public act of protest be it known, that this day, before me, Carlile Pollock, notary public in and for this city, came Jean Baptiste Revarde, master of the brig Pomona of New Orleans, who, having been duly sworn to declare the truth, deposed in the words following, to wit: On the seventh day of June last, I sailed from Campeachy in and with said brig Pomona under my command, bound to this port of New Orleans, said brig being tight and strong, well manned and provided. On the 9th, at 3° 30′ P. M. latitude 21° 36″ in fourteen fathoms water, saw a small felucca making for us with sails and oars; at 5 P. M. she fired a gun. I then hoisted the flag of these United States and hove too: The felucca had a flag, which I could not distinguish. Soon after the felucca fired another gun, on which we bore down for her, the wind being light. At nightfall, after having been hailed and made answer to their questions, we were boarded by the Felucca, by twelve men, all armed with pistols and sabres, who instantly put the crew of my vessel into the forecastle and ordered me and my passengers into the cabin, permitting only one person at a time to come on deck. I complained to the person who appeared to command, of the violence offered to me, an American citizen, sailing in an

American vessel, and under the flag of the United States. He answered, he wished to ascertain such property on board as was Spanish, and would not meddle with any property of citizens of the United States; adding that the felucca was a Mexican privateer, cleared out from Matagorda by commodore Aury. We were kept in confinement all night, the vessel hove too. In the morning after the 10th, the felucca was not in sight, upon which the officer commanding the party gave up the command of the vessel to me, saying if they should not meet their own, they would pay me their passage to New Orleans. But to their great joy the privateer hove in sight at 6° 30″ A. M. I remained in the command of my vessel until the felucca came alongside, about 8, A. M. when my crew were again confined in the forecastle. The captain of the felucca then ordered me to give him a correct manifest of every thing on board, belonging to citizens of the United States, saying every thing else would be taken; that he was perfectly well informed of what I had on board, but would not interfere with any American property. I therefore exhibited to him the invoice of my outward cargo from New Orleans, the accounts of sales made at Campeachy, and the invoices of my return cargo, all in regular form. He then observed I had omitted to declare the specie on board, of which he had exact information from a person who had seen it embarked; and knew it had been sent on board from the house of Mr. Aubry of Campeachy, to whom I had been consigned; and that if I did not declare the same he would find it out by *throwing my cargo overboard:* Whereupon, unwilling to excite suspicion, and knowing that all the cargo on board, as well the part under my charge as the shipments made by others, was for American account, I exhibited to him an exact account (according to the note hereinafter set forth) of the money, with the respective bills of lading. He said I had other specie on board: which I denied. He used many threats, which I believed he used merely to intimidate me and make me declare that I had Spanish property on board; and indeed I depended that my flag and the property would be respected, especially by Americans, though sailing under the Mexican flag. The officer finding he could not make me confess as he wished, made me go down into the cabin, and then caused a strict search of all the trunks, from which he took all the money he found, and even my silver fork and spoon, and sent on board the privateer, four trunks belonging to four Spanish passengers of mine, without leaving them a change of apparel. He then demanded of me to deliver up the money which I had acknowledged to have on board, and likewise that which he well knew I had over and above. I represented to him that, upon his assurances American property should be respected, I had declared to all the specie I had on board, and that I found his present demand unjustifiable and violent; to which he answered shortly, that his time was precious and he would not lose it. I again urged, and was therein joined by my brother, a part owner of cargo,

that our property could not be taken, and that we could prove all the owners of the cargo to be American citizens. "No reply," said he. "I have no time to spare, and you will lose the whole if you do not give up all the money you have on board." He then ordered his party aft, their sabres drawn, and pistols in hand. I was then induced, seeing their hostile intentions, to give up the money I had acknowledged, in order to save what I had not confessed to, and showed them where the former was. The moment it was in their possession they sent it on board the privateer. As they were preparing to search for more, a man at the mast head announced a sail in sight, on which the master of the felucca immediately ordered his people on board, (and among them was the boatswain of the brig Freelove, which left Campeachy the same day we did for New Orleans, who was the person that gave information of the money we had taken in) and made sail to the westward. During the whole of these transactions we could not find out the persons' names, nor the name of the privateer; but I was assured by several persons of my crew that the felucca had been fitted out at New Orleans by one Marcos, an Italian, who sailed in March for Matagorda. One person of my crew, Gabriel Augier, told me that he knew several of the sailors; that they were Americans, and had boarded in the same house with him in New Orleans. For my own part, I knew none but the boatswain of the freelove. The privateer is a small vessel of two masts and two sets of sails, one as a felucca, the other as a schooner, and all the persons belonging to her, that we saw, were Americans, or at least spoke the English language. The note of the money shewn by me was as follows:

Shipped by J. B. Revarde, for his own account and that of others.

L. M.	3 sacks, containing, each, $1,000 1 do. do. do. 360	for L. Millaudon		$3,360.
R.	1 sack for account of Mr. Visosa, of New Orleans			510
	2 do. for his own account, each $1,000		2,000	
	1 packet do. - - - - - -		680	
				2,680
L.	1 sack for J. B. Lafonta, New Orleans, Pacquetel and self - - - - - - - - -			800

Shipped by Achille Rivarde.

A. R.	1 sack containing - - -		$1,070	
	1 packet - - - - - -		725	
				1,795

Shipped by L. D. De Morant for Laur Millaudon.

L. M.	1 sack, - - - - - -	$ 1,000	
	1 do. - - - - - - -	800	
			1,800
	3 doubloons and 5 dollars taken from me -		53
	Taken from Mr. Brunetti, - - -		170
	Taken from - - - - - - -		100
			$ 11,268

And I solemnly declare, that the whole of my cargo, including the money on board, was shipped for account and risk of citizens of the United States, and that the money so taken, was according to the foregoing. And thereupon, the said master declared to protest solemnly against the captain and crew of the said Mexican privateer, for having, by violence and contrary to the peace subsisting between the United States and the neighboring governments, treated this appearer, his flag, and his vessel, as if they had been an enemy, and carried off in a piratical manner the property of persons, all citizens of the United States. Thus done, and protested, at New Orleans, this third day of July, one thousand eight hundred and seventeen: the declarant and protestor hereunto signing his name with me, notary. Signed—J. B. Rivarde.—Carlile Pollock, notary public.

Be it known, that this day, before me, Carlile Pollock, notary public in and for the city of New Orleans, came the persons whose names are hereunto subscribed, passengers and crew of the brig Pomona, of New Orleans, who having taken cognizance of the declaration made by John B. Rivarde, master of said brig, before me, notary, on the third day of this current month, deposed, that all and singular the facts therein set forth, are true and correct, so far as they had an opportunity of knowing them, when not confined. Thus, done and deposed, at New Orleans, this eighth day of July, one thousand eight hundred and seventeen; these deponents hereunto signing their names with me, notary. Signed, Ambrogio Cavassa; Gabriel Augier Tortel; Baron; A. Rivarde; Francis Brunetti; Carlile Pollock, notary public.

I certify the foregoing to be a true copy of the original act, extant, in my current register. In faith whereof I grant these [L. S.] presents, under my signature and seal of office. New Orleans, 28th July, 1817.

(Signed) CARLILE POLLOCK, Notary Public.

(Translation.)

Protest of Casimer Prieto, captain of the American brig. Carlos, against the privateer Congresso, June 30th, 1817.

[Seal. Royal Arms.]

Don Casimer Prieto, captain, chief pilot and sailing master of the American brig, the Carlos, declares; that on the first of June, of the present year, he sailed from the Balize of Orleans for this port in his aforesaid vessel, and that, on the eighteenth day, being at a short distance from the coast, off point Delgada, under reefed ———— the Mexican privateer brig, called the "Congresso," bore down upon me, and obliged me to send a boat on board, with my mate, to whom I delivered my shipping paper, register, manifest and other papers—he kept the mate, and papers on board, and ordered me into his wake, observing, that all the papers had been visited by another privateer which had overhauled me on the fourteenth; and while I was standing on, in his wake, my capturer bore away for a sail which he saw in the N. N. E: that at six P. M. the weather growing foul, and unable to keep way with him, I bore away for the harbour, but could not fetch it, on account of the bad weather. In this condition, being without my mate, papers, security or assistance, I was exposed to be made prize of by some one or other. On the twenty-first, at half past seven A. M. I fell in with the United States' cruiser, Firebrand, lieutenant Conningham, who overhauled me, and having made known to him the aforegoing, he delivered me a certificate and letter of recommendation for this government, and stood on in company with we until we were in sight of the harbour, where I got in at 5, P. M. yesterday, the twenty second, the gale having continued since the eighteenth and forced me to lay to, in the mean time, whereas I could have made my port much sooner, had I not been detained by the privateer.

Wherefore, I do hereby, in the most ample form protest, once, twice, thrice, and as often as of right I may, against the aforesaid Mexican privateer "Congresso" and the captain thereof; against his violence, in carrying off the documents necessary to my free navigation with my mate, and against the delay and detention which he has hereby caused me, to the end that I may not be responsible for the deficiencies that may result to vessel and cargo, and that this protest may serve as a declaration and satisfaction in judgment and thereout, to answer all the purposes, uses, and intents which may be required in the premises. In testimony whereof, I have consented to and executed the above, at new Verä Cruz, at ten o'clock in the morning of the twenty-third day of June, one thousand eight hundred and seventeen. And I, notary public, whose signature is hereunto sub-

scribed, certify and authenticate the above declaration made in presence of Don Francisco Damaso Morales, Don Jose Antonio Rivas Ramiñez, and Don Jose Ignacio Ximenez.

(Signed) CASIMIRO PRIETO.

Before me

JOSE XIMENEZ.

Extract from the original declaration of the appearer on the day and date above written, and in presence of the above named witnesses.

(Signed) JOSE XIMENEZ.

(Copy.)

We, the undersigned merchants of this city of Vera Cruz, do certify that Don Jose Ximenez, by whom the precedent certification is given, is a king's notary public of this city, and that all faith and credit is given and ought to be given to all his documents, as well official as not official; under which truth we give our oaths, and sign the present in Vera Cruz, the 30th day of June, 1817.

(Signed) JULIAN DE CARTABUENA,
DIEGO LOPEZ DE GOIESCHA,
LUIS DE PALINIE.

Extract of a letter from captain Charles Morris, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated

United States' frigate Congress, off the Balize,

10th June, 1817.

"As it respects marine operations, when Aury left Galveston with Mina, it was understood to be his intention not to return there, but to establish himself at the Santando, and all the public stores and other buildings were destroyed. The Santando having been found altogether unfit for his purpose, he is returning to Galveston again.

"A temporary government, with the admiralty judge, &c. were left during his absence, to condemn prizes sent in by the privateers. It is stated that the decisions of the judge are dictated by the captors, who will not, unless it appears to suit their convenience, even furnish him any papers on which to form an opinion, or ground his sentence. This is said to have occurred during the late absence of Aury; his return may have some good effect upon the proceedings there, but the general character of the population of the place is such, that I am told, even those persons concerned in the privateers, when they dispose of their goods there, are unwilling to take specie in pay-

ment, fearful of being plundered, but prefer bills, which can be more easily secured. Most of the goods carried there, are introduced into the United States, the more bulky and least valuable regularly through the custom house; the more valuable and the slaves are smuggled in through the numerous inlets to the westward, where the people are but too much disposed to render them every possible assistance.

"Several hundred slaves are now at Galveston, and persons have gone from New Orleans to purchase them; every exertion will be made to intercept them, but I have little hopes of success."

Extracts from a letter from Lieutenant Commandant John Porter, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated,

United States' brig Boxer, off the Balize,
June 28th, 1817.

"From cape Catouche to La Vera Cruz, the piratical boats are very numerous, and commit their depredations without respect to flag or nation. Should it meet your approbation, sir, it would afford me infinite pleasure to protect our commerce on that coast."

"I shall leave this on Monday, to cruise off the Sabine river: it is reported that attempts will be made to smuggle slaves into Louisiana from Galveston, and the natural presumption is, they will attempt the Sabine or Atchafalya rivers; the depth of the water off those rivers are very inaccurately represented on the charts, and it will not be in my power to approach nearer the shore than within ten miles off the Sabine, and not nearer than thirty off the Atchafalya. Whatever can be done to prevent their being brought clandestinely into the country, will have to be performed by the boats, which, sir, shall be actively employed the moment we arrive on the ground."

Extract of a letter from Captain D. T. Patterson, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated,

New Orleans, 28th July, 1817.

"Captain Morris having advised the department of every circumstance relating to the conduct of foreign armed vessels, and the various transactions of the belligerants in this quarter, 'till his departure, I have only to add, that no information of moment, in relation to the latter has been received; but have to report, that two American

brigs have been robbed of specie to a considerable amount, in the bay of Campeachy, on their way from thence to this port, by a vessel under the Venezuelan flag. And the American brig Charles, bound from this port to La Vera Cruz, laden with flour, American property, was boarded on the 18th ultimo by the Mexican armed vessel called the Mexican Congress, and robbed of all her papers, and her mate detained on board.

"These acts of force, committed on American vessels engaged in regular and lawful commerce, has greatly alarmed the merchants of this place, who have, in consequence, solicited convoy for vessels bound to Spanish ports."

Extract of a letter from John Kerney, Esq. deputy collector of the port of New York, to captain Samuel Evans, commandant, navy yard, New York, dated

September 8th, 1817.

"A brig, said to be a Venezuelan cruiser, called the "America Free," Farero commander, mounting three carriage guns, and manned with seventy-four men, and small arms in proportion, now lies at the quarantine ground.

It is officially reported to the collector's office of this district, that a number of officers and men, landed from said brig at Staten Island, and in a fracas that took place yesterday, between them and the inhabitants on shore, they threatened to demolish or burn a house on said island."

Extract of a letter from Captain John H. Elton, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated

"*United States' brig Saranac, Cumberland Sound,*

September 26th, 1817.

"The patriotism of Amelia island appears to be confined to privateering and plundering. General Aury has the command," &c.

Extracts from a letter from Captain John H. Elton to the Hon. B. W. Crowninshield, Secretary of the Navy, dated

"*United States' brig Saranac, Cumberland Sound,*

"*October* 10, 1817.

"I have detained a felucha, or small schooner, that sailed from Fernandina, under a commission granted by general M'Gregor to one John Morrison, for two reasons; first, as a pirate, for having captured an English schooner with regular papers, bound from Nassau to Barracon, called the Brothers; the commission was granted to John Morrison, a citizen of the United States, and who, during the cruise, resided at St. Mary's, in Georgia, and the commission was made use of by one Edward Fenner, who likewise captured a Spanish schooner; both are detained for investigation. They have been out some time, and have received provision from some English and American vessels, they say, gratis. The crew consisted of 18, and I suppose they could not carry provisions for ten days. On the 6th instant I detained the schooner *Hornet*, she was commissioned by general M'Gregor 22d July last, John Smith commander. She cleared out from Philadelphia in *August* as the *Traveller*; she received her arms and men in the Delaware bay, near Lewistown. On the 6th or 7th September she, for the first time, assumed the name of the *Hornet*, went off Cuba, made two prizes, the crew mutinied, and in that state was coming in."

"Until I get directions how to consider the island of Amelia, and the people bound to that place, it will be impossible to prevent either slaves or goods being smuggled."

"As most of the patriots there are one day an American citizen and the next at Fernandina, tis easy for them and their agents to evade all the vigilance we are possessed of. One small Spanish vessel, a prize to a privateer, got into the port before we could board, with seventeen slaves. I would have taken her out immediately, but I considered it neutral ground, and it was the wish of government not to infringe,—fearful of that error, our boats are generally sent out to board at sea."

Extract of a letter from captain John H. Elton, to the Secretary of the navy, dated

United States' brig Saranac, Cumberland Sound,

October 19, 1817.

"Day before yesterday I sent out to detain a Spanish slave vessel, prize to a Mexican privateer; the captain and owner came in to converse with me, and the officer neglecting to leave any persons in charge, the people from Fernandina went secretly off, and landed all the blacks on the outer part of the island."

Extract of a letter from captain John H. Elton, to the Secretary of the Navy, dated United States' brig Saranac, Cumberland Island, November 15, 1817.

SIR,

On the 9th instant I sent a boat out to board a vessel from sea. The officer had not been informed to take charge of her, until I had thoroughly overhauled her, if she was a slave vessel. He was at Savannah when the instructions were issued. He returned, and reported it was a slave vessel, prize to the Brutus privateer. I despatched a boat to bring her in for examination. The officer, acting sailing master M'Cluny, met her coming in, and, as it was dangerous to heave her to, remained on his oars, to drop alongside. They pretended to give him a rope—they did not, but passed him—he caught by a boat astern The prize master threatened to fire on him, if he attempted to board; and, when musketry was fired under his stern, it was returned. The alarm was given by the boat. I unfortunately was on Cumberland Point, where only one gun was mounted, from which we fired two shot to bring her to. The first lieutenant fired three from the brig. Two of the five struck her, but she succeeded in getting into Fernandina. Although irritated at the insult, I did not conceive it correct to attempt force, to have her driven from neutral waters, but proceeded, as I thought, most correct; and the enclosed correspondence has passed between general Aury and myself. 'Tis true, shot was fired at her when close to Amelia, but the officer assures me she was on the northern part of the channel when he attempted to board. If half the depth of water is allowed us, she was on our side. I have informed you that the channel over the bar was on their side, or to the southward of a direct line drawn between the islands to the sea. I never have been instructed on that head, but I really think they hold the island by too precarious a tenor, to be yet so very tenacious of their rights. A verbal answer was returned, at first, to my application, that they would protect her. Not knowing how the United States wished to view these people, I did not think proper to attempt to destroy the establishment, but sent out lieutenant commandant E. R. M'Call, to bring back the privateer Jupiter, to remain as a pledge, until I heard from government. It has excited considerable feeling, and no other privateers attempted to sail. The slave vessel was brought over last night, but every thing but slaves, and a small quantity of rice, was taken from her, and she appeared in a very filthy state. The prize master was not sent, neither any of the prize crew. I have written for the former—whether he will be sent I cannot vouch. Yet, as retribution could so soon be had, if force was authorized, and wishing not to interrupt harmony, if it is wished by the United States, I have released the privateer Jupiter, and the High Flyer sailed immediately on a cruise.

A prior correspondence took place, as regarded captain Farnham. It was represented to me that he was a citizen, and only went there

to trade. It appears he had been in the service of the patriots for some time. The application was, of course, dropped.

I shall send the slave vessel to Savannah for adjudication, and if the prize master is found, shall send him also. He is an old offender, by the name of Austin.

The situation of Amelia, is, by no means, a quiet one. Those at present there, act very strangely. There has been a French party and an English party—they have been in constant alarm of each. The French party is now trying as many of the English party as possible, and strangely are making a Botany Bay of the United States, as you will perceive, by a proclamation enclosed you. So much discontent prevails, that I should not be surprised to see them engaged in civil war. The slave vessels that have hitherto entered Fernandina, I have no doubt have smuggled all their slaves to the United States. Small boats are permitted to pass and repass; as they are rowed by slaves, they can smuggle one or two at a time without detection. Another mode of smuggling is, that the law makes no provision how to consider boats of less than five tons. I sent one of that description to the collector. She was filled with provisions and naval stores, from Savannah to Amelia—she had no clearance—the law requires none; but from a passenger on board, I had no doubt, in my own mind, it was to fit out a former slave vessel, as a privateer. She was released by the collector. Am I to stop arms, ammunition, &c. bound from the United States to Fernandina, if not cleared as such? They term them boxes of merchandise, very frequently, and sometimes have more than they clear out.

Captain John H. Elton to Commodore or General Aury.

United States brig Saranac,

Cumberland Island, November 3d, 1817.

SIR,

I have just received a note from B. Farnham, mentioning his confinement at Fernandina, and requesting my interference, as he conceives his life in danger. As he is an American citizen, and situated as Fernandina is, I am bound to make that request, and hope that his offence is not so great, but that he may be delivered to an officer of this vessel, sent for that purpose. If he has willingly subscribed to any military law, or regulation, and has broken them, I shall not urge this request, but the life of a citizen being too valuable to be jeopardized, I shall write to the president of the United States on the subject, and expect, until his determination is known, that his life is not injured If he has not subscribed to any military law, it would be well to consider the right to try him, as no declara-

tion of independence has been issued by you, or acknowledged by the United States. I am sorry to be obliged to trouble you, &c.

I have the honor to be, sir,

Your obedient humble servant,

(Signed) JOHN H. ELTON.

General Aury, Fernandina.

Captain John H. Elton to General Aury.

United States brig Saranac,

Cumberland Sound, November 9th, 1817.

SIR,

Last evening a schooner passed into Amelia, or Fernandina, that had been attempted to be boarded by a boat from the Saranac. She fired at the boat—whatever character she assumes, she must answer for the insult according to the laws of the United States. I cannot believe that yourself, or people of Fernandina, can give the least sanction to such proceedings. Under that belief, I have sent a boat to bring her over to American waters, provided no objection was started. If she is refused or protected, I shall consider that Fernandina has hoisted the flag of defiance, and act accordingly.

I have the honor to be, sir,

Your obedient humble servant.

(Signed) JOHN H. ELTON.

General Aury, Fernandina.

(Translation.)

Of four letters of ——— Aury, to captain John H. Elton, of the United States navy.

Head quarters of Fernandina, Amelia island, 4th November, 1817, *8th year, and the 1st of Independence.*

SIR,

I have received your letter yesterday, in favor of captain Farbam, or Varnum, now a prisoner in this city, and arraigned before a council of war, for mutiny and sedition.

I am very sorry to inform you in reply, that the case of this individual is very different from what he has represented it to be. Mr. Varnum has been serving on board of South American privateers for some time, and was actually employed in fitting out a privateer in this port, for which he has been refused a commission, in consequence of the irregularity of his former conduct. Moreover, the crime of which he is accused, tending to nothing less than the disturbance of social order, the right of our jurisdiction to judge and punish him, according to the laws of the United States, which we have adopted, cannot be at all questionable.

Permit me, however, to assure you that nothing would have induced me to have entered into this explanation, but the esteem I entertain for yourself individually, and the respect and interest which the citizens of the republic entertain for every thing that may have any relation to our neighbors and brethren of the United States.

I am, with the greatest consideration.

(Signed) AURY.

Head quarters of Fernandina, Amelia Island,
9th November, 1817, *8th year, and 1st of the Independence.*

SIR,

Your letter of this day has been received. As its contents involve a matter of so much importance, I have given orders for a proper investigation into the conduct of the captain of the prize referred to. In the mean time, I can assure you, that if he shall be found guilty of any violation of the law of nations, he shall be severely punished. As this government is desirous of maintaining the best harmony and good understanding with yourself and all other officers of the United States, nothing will be left undone, on our part, to give all suitable satisfaction.

(Signed) AURY.

Headquarters of Fernandina, Amelia Island,
11th November, 1817, *8th year, and 1st of the Independence.*

SIR,

Your letter of the tenth came to hand yesterday. This rising republic, of the Florida, just in its principles, feels disposed, at all times, to do whatever justice and its own dignity demand.

As yet the result of the investigation, which I have ordered, and which I stated to you in my last, has not come to my knowledge. As soon, however, as it is known, I will communicate it to you.

With respect to the reply I made to the officer sent by you, in the first instance, I can assure you it was to this effect, viz: "I have to consult on the matter with other persons composing the council, and until I have heard their resolution, I cannot give you a verbal or written answer."

God grant you many years,

(Signed) AURY.

Headquarters of Fernandina, Amelia Island,
12th November, 1817, 8th year, and 1st of the Independence.

SIR,

As you have proceeded to impede the entry and departure from vessels to and from the port of Fernandina, in consequence of having failed in your attempt to board, with your boats, the schooner "Tentativa," a prize to the Brutus, a privateer of the Mexican republic, being within the limits of our waters, at the distance of one hundred and fifty feet from the coast of this island; in order to obviate difficulties, for the present, I have determined to place at your disposal the aforesaid vessel, hoping that the United States of America will administer to us that justice which appertains to a great and liberal nation.

God grant you many years,

(Signed) AURY.

Extract of a letter from Thomas Wayne, esquire, purser on board the United States' brig Saranac, dated St. Mary's river, September 27, 1817, to Benjamin Homans.

"On our arrival here, we found general M'Gregor in command of Amelia Island. A few days afterwards he decamped, and embarked on board the privateer M'Gregor, formerly the St. Joseph. The command of the island devolved on colonel Irvin, an American, who was, in a few days, attacked by the Spaniards. After an engagement of forty-eight hours, which was all smoke: it terminated without the loss of a single life, and the Spaniards retreated.

"The noted Woodbine, of infamous memory, arrived here from Nassau, with a view, as was said, to join the patriots: but his friend, M'Gregor, having left the cause, he was disappointed, and embark-

ed with M'Gregor, who sailed a few days since for Nassau, to commence some new expedition, which, it is generally supposed, will be to the Bay of Espirito Santo, or Bay of Tampo, in latitude 28° 15′ N. and longtitude, 76° 30′ W. This is an extensive Bay, and capable of admitting ships of any size, contiguous to which are the finest lands in East Florida, which Woodbine pretends belong to him, by virtue of a grant from the Indians. He says he has surveyed the whole of the Gulf of Mexico, and Tampo Bay is the only place into which large ships can enter.

"The patriots of Amelia are a most heterogenous set, consisting of all countries and languages, except Spanish Americans. Amongst them may be found Americans, French, Irish, Scotch, English, Dutch, Germans, Raytians, Petions, &c. all come ostensibly to aid the cause of the patriots of South America; but their real motive is, no doubt, to prey upon whom they can. Should they continue in Amelia Island, the place will become a second Barrataria.

"At this time the government consists of Monsr. Aury, who is commander in chief of the naval and military forces; and Ruggles Hubbard, formerly high sheriff of New York, is the civil governor.

"A number of prizes, of considerable value, have been brought into Amelia, by Aury's squadron.

"It appears to be the anxious wish of the inhabitants, of the opposite side of the river, to be under the American government, as they are not now secure from either party."

A. G. Villeret to captain John H. Elkton, respecting the schooner American Libre.

Fernandina, the 4th of November, 1817.

John H. Elton, Esquire, Commander of the United States brig Saranack.

SIR,

My having been very sick has prevented me of the honor of seeing you. You will probably see in the Charleston papers an advertisement* of mine, stating that captain Bernard Ferrero had run away with the schooner America Libre; now, I have received this day a letter of the said captain Bernard, in which he explains to me the motive of his sailing, mistaking or misunderstanding one of my orders, which has put me under the necessity to send an express this morning to Charleston to contradict the first advertisement, begging the collectors and navy officers of the United States not to detain the said Bernard, as I had requested by my first advertisement. I

* This advertisement has not been officially communicated to the Department of State, but it was published in the public journals, and it is recollected that it contained a declaration that the person therein named, captain Bernard Ferrero, had no commission as commander of the schooner America Libre.

therefore beg you, sir, should the said captain Bernard appear off this port with the said schooner America Libre, or any prize of her, not to molest them, and allow them to enter freely here: as I have charged Dr. Gual with all the business of Venezuela, he will give you any other information, should any difficulty occur with respect to captain Bernard, or the prizes he may send him, which I hope will not be the case, trusting, that after this application of mine, to you, you will let them freely enter this port.

I have the honor to remain, sir,
Your humble and most obedient servant.
A. G. VILLERET.

(Translation.)

A register of the proceedings at Galveston, April 15th, 1817.

The undersigned persons having appeared for the purpose of taking the necessary oath of fidelity to the Mexican republic, now in the possession of those who represent that nation in this quarter, which act having been executed with all the solemnity due to the occasion, appeared.

1. The citizen Louis Derieux, commandant, who took the said oath in the presence of the citizen Louis Itourribarria, after which the other authorities were severally sworn before the said commandant in regular form; and to establish its authenticity, it has been signed by all those who were present; and the said document, shall be kept in the office of said port or place, with the signatures, as well as that of the representative, so that its validity may, at all times be established. And not being able, from existing circumstances, to obtain a seal of state, its place will be supplied by a common one, until an official one can be procured.

(Signed) LOUIS ITOURRIBARRIA,
LOUIS DERIEUX,
A. PIRONNEAU, Junr.
J. DUCOING,
ROUSSELIN,
R. ESPAGNOL,
LAFON JENTERIM.

Bay of Galveston, April 20th, 1817.

The commanders of the independent Mexican vessels of war, assembled on board the schooner Jupiter, for the purpose of nominating, with the requisite formalities required by the authority, which in the name of the Mexican government, legitimately supports this nation, particularly in the existing war, carrying on against

the Royalists of Spain, in consequence of which, they have proceeded to pronounce an opinion on the following articles:

The undersigned captains and owners of vessels, now in this port, having met according to public notice, have taken into consideration the proceedings of the 17th of this month, under which they named the citizen colonel Louis Derieux, military commandant, the citizen captain A. Peronnean, junr. as adjutant commandant, the citizen, J. Ducoing, as judge of the admiralty, the citizen Rousselin, as administrator of the revenue, and the citizen R. Espagnol, as secretary of the public treasury; all of whom, have been recognized by the provisional assembly; and at the same time, the citizen Jean Jannet, was appointed marine commandant of the said place, with all the necessary powers.

And after due deliberation, all the members of this assembly unanimously resolved, that the duties which shall accrue from the prizes already arrived, or may hereafter arrive at the port of Galveston. after condemnation being pronounced, shall be disposed of as follows:

1st. The treasurer shall pay on demand, (bisto bueno) on the order of the government of the place, every expense which may be necessary for the port or harbor of Galveston, for the support of the officers employed, and for munitions of war and other expenses fixed according to the claims and obligations of the several officers.

2dly. That when the expenses of one month are ascertained, those of the month following may be anticipated out of the funds in hand.

3dly. That the surplus will be applied towards the payment of the debts of the government contracted prior to the 15th of April, 1817, upon the express condition, however, that no one, who is not actually employed at the said port, shall enjoy the advantage of that arrangement, and that the old debts will be paid only to those who are actually employed at the port of Galveston.

4thly. That the salaries of the officers and others employed, will be regulated by a special council, and that the whole will be entered in the register of the deliberations.

The whole has been signed in the presence of the secretary pro-tempore, Lafon.

L. Derieux, A. Peronneau, jun. John Ducoing, Rousselin, Jean Jannet, Richard Espagnol, Parisi, John Queré, Dutrieu, Denis Thomas, Faiquiere, Joseph Place, Renaud, B. Lavard, Savary, Marcelin, Gilop.

Passport from Don Radmond Gil, lieutenant in the royal navy, to Mr. Casimir Prieto, captain of the brig Charles.

I, Don Redmond Gil, lieutenant of a frigate, having rank in the royal navy, captain of this port, charged with the branch of the naval

engineers, and the superintendance of the merchant vessels in this province, member of the board of health of this place, on behalf of his majesty, and temporary commandant of the marine register of this province, &c. &c.

Hereby certify, that Mr. Casimir Prieto, captain, pilot, and sailing master of the brig Charles, belonging to the United States of America, arrived in this port on the twenty-first day of the present month, from New Orleans, with a cargo of goods: that he declared and certified, that the Mexican privateer "Congresso Mexicano" opened his register and all his papers, and took away his sailing orders, and other documents, and carried off his mate. And to the end, that the said captain Prieto may make known to all whom it may concern, the proceeding of the said privateer, and be enabled to return with his vessel, to the port of his destination, I have granted him the present at Vera Cruz, this first day of July, 1817.

(Signed) RAMON GIL.

[Gratis.]

Nota. Free to pass, by permission of the government.

To Tli. Federico Melas.

(Translation.)

I certify, that I visited the brig "Charles," under American colors, from New Orleans, and allowed her to proceed, after examining her papers.

At sea, the 13th June, 1817.

(Signed) L'ANGE,

Commander of the privateer "L'Amiable Aimee."

H 107 89

LRDFeb 15

HECKMAN
BINDERY INC.
NOV 89
N. MANCHESTER,

LIBRARY OF CONGRESS
0 014 499 638 0